

REMARKS

Claims 1-15 are pending in this application. Claims 1-4, 12, and 14 stand rejected and claims 5-10 are objected to. Applicant wishes to thank the Examiner for the indication of allowance of claims 11, 13, and 15, and the indication of allowable subject matter in claims 5-10. Applicant defers re-writing claims 5-10 at this time until the following argument is considered. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1-3, 12, and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,141,542 ("Kotzin"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of claims 1 and 14 neither disclosed nor suggested in Kotzin is "each of said M data channels is made to dynamically correspond to one or a plurality of said N pilot channels.

According to the present invention, there are N pilot channels and M data channels. The combination of pilot and data channels is not fixed but can be dynamically changed. This is unlike the transmission method and apparatus disclosed in Kotzin. Kotzin discloses a transmission system wherein each pilot channel transmits orthogonal pilot signals via antennas to common coverage. In Kotzin, each pilot channel using different orthogonal codes for each pilot channel allows mobile stations to discern individual corresponding traffic channel information. Thus, allowing forward link diversity to be enabled. However, Kotzin is silent as to the data channels corresponding to the pilot channels. Thus, there is no disclosure in Kotzin of pilot channels where the data channels are made to dynamically correspond to one or a plurality of the N pilot channels.

Therefore, it is asserted that the rejection of claims 1 and 14 under 35 U.S.C. § 102 has been overcome. Reconsideration of the rejection of claims 1 and 14 under 35 U.S.C. § 102 is respectfully requested in light of the remarks above.

Claims 2-10 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Kotzin and are also directed towards patentable subject matter. Thus, claims 2-10 should also be allowed.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotzin, et al. The Examiner takes official notice that the additional limitations recited in claim 4 are well known. Applicant respectfully submits that claim 1, from which claim 4 depends, is allowable over Kotzin. Therefore, claim 4 is also allowable over Kotzin.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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